

REMARKS

Claim 4 has been withdrawn. Claim 18 is added for clarity. Support for the amendments can be found throughout the specification. No new matter has been added and no new issues have been raised by the amendments.

Rejections Under 35 U.S.C. §103

Claims 1, 3-7, 9 and 10 have been rejected under 35 U.S.C. 103(a) over U.S. Patent 3,201,015 to Wagaman (“Wagaman”) in view of U.S. Patent 5,927,353 to Persson et. al. (“Persson”) (see Office Action, page 2). Claim 18 is added for clarity. Claim 4 has been withdrawn.

Claim 1 is directed to a powder dispenser device for dispensing powder from a filler vessel to an unfilled vessel, including a dispenser device body having an inlet end and an outlet end, a transport passage between the inlet end and the outlet end, the transport passage having an inner wall including a tapered portion tapering outwardly from a direction of the inlet end toward the outlet end, wherein a cross-sectional internal dimension at the inlet end of the transport passage is smaller than a cross-sectional internal dimension at the outlet end of the transport passage, and at least two sealing connector sections, located on an inner surface of the dispenser device body proximate to the inlet end, and on an outer surface of the dispenser device body proximate to the outlet end, respectively, for sealingly connecting the device with a filler vessel and an unfilled vessel, thereby forming a substantially airtight seal, so that air within the unfilled vessel is displaced by powder from the filler vessel and passes through the transport passage during a filling operation.

The claim includes "the transport passage having an inner wall including a tapered portion tapering outwardly from a direction of the inlet end toward the outlet end". A purpose of the claimed invention is to minimize the blocking of the transport passage with lumps of powder, promoting free flow of the powder (see paragraphs 2 and 40 of the claimed invention).

Claim 18 is added to clarify that the transport passage is substantially free of restrictions in cross-sectional area between said inlet end and said outlet end.

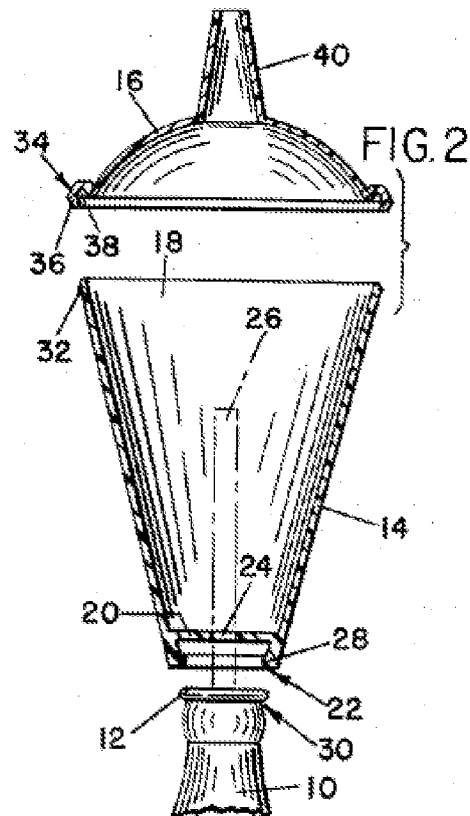
Neither Wagaman nor Persson teaches an element to minimize the blocking of the transport passage with lumps of powder, promoting free flow of the powder.

Wagaman teaches a new and improved container particularly adapted for application to bottles and which may be applied by attaching it onto the pouring lip or rim extending about the neck of a soda water bottle or the like (col. 1, lines 1-5).

Persson teaches a funnel for use in connection with plastic bottles or containers. The funnel includes a body portion and a spout portion extending from the body portion to a lower open end. The spout portion is formed of downwardly extending inner and outer portions in spaced apart relation from one another to define a gap therebetween sized for receiving an upper portion of a fill spout of the plastic bottle therewithin (col. 2, lines 20-27).

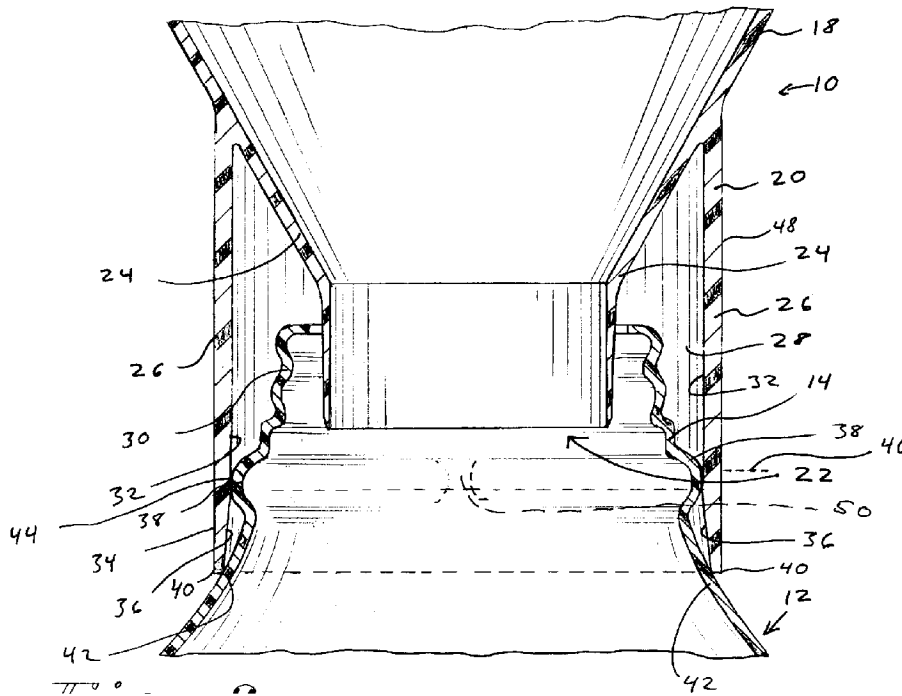
However, both Wagaman and Persson fail to teach the transport passage having an inner wall including a tapered portion tapering outwardly from a direction of the inlet end toward the outlet end. Instead, Wagaman teaches a web (20) at the narrow end. (See Wagaman, col. 1, lines 50-52, Fig. 2 below). Web (20) in Wagaman does not provide it with a transport passage having an inner wall including a tapered portion tapering outwardly from a direction of the inlet end toward the outlet end. Moreover, the structure in Wagaman does not permit the structure to

achieve the same purpose of Applicant's claimed invention because the web would block powder flow.



Wagaman, Fig. 2

Persson does not remedy this defect. Persson teaches a lip near lower open end 22 (See Persson, Fig. 2 below). The lip near lower open end 22 in Persson does not provide a transport passage having an inner wall including a tapered portion tapering outwardly from a direction of the inlet end toward the outlet end, thus not complying with the purpose of Applicant's claimed invention.



Persson, Fig. 2

Claim 1 further teaches "at least two sealing connector sections, located on an inner surface of the dispenser device body proximate to the inlet end, and on an outer surface of the dispenser device body proximate to the outlet end, respectively, for sealingly connecting the device with a filler vessel and an unfilled vessel, thereby forming a substantially airtight seal". Another purpose of the claimed invention is to form a substantially airtight seal (see paragraph 5 and 29 of the claimed invention).

Claim 3 further teaches that at least one of the sealing connector sections is in the form of threaded portions, foam or rubber strips, light friction fits, or flat or contoured plates which correspond to a connector surface of an unfilled vessel.

However, both Wagaman and Persson fail to teach a sealing connector section. Instead, Wagaman teaches a triangular exterior shoulder or bead (32) cooperating with a snap-on type

recessed rim of a cover (16), and an in-turned bead (28) with a size just to snap over a pouring lip (12). (See Wagaman, col. 1, lines 55-58, col. 2, lines 2-4, Fig. 2 above).

Indeed, Persson fails to teach or suggest any sealing connector. Instead, Persson teaches a pressing engagement (see, e.g. claim 1, Fig. 2 above).

Further, one of ordinary skill in the art would not be motivated to combine the teachings of Wagaman or Persson with a sealing connector section or a transport passage substantially free of restrictions. Furthermore, the lack of motivation described above does correctly identify many of the reasons why a person of skill in the art would not have combined the teachings of the references without the benefit of Applicant's discovery.

Accordingly, the pending claims are patentable over Wagaman and Persson. Applicant respectfully requests withdrawal of this ground of rejection.

New claim

New claim 18 features a structure in which the transport passage is substantially free of restrictions in cross-sectional area between said inlet end and said outlet end. None of the cited references describes or suggests the feature of claim 18, therefore, allowance of the claim is respectfully requested.

CONCLUSION

Applicants respectfully submit that all requirements of patentability are met in the pending claims and request that these claims be allowed. Should the Examiner deem that any further action by Applicant would be desirable to place this application in even better condition for issue, the Examiner is invited to telephone Applicant's undersigned representative. Please apply any other charges or credits to deposit account 19-4293.

Respectfully submitted,

Date: November 27, 2009

By: /Harold H. Fox Reg.#41498/
Harold H. Fox
Reg. No. 41,498

Customer No. 27890
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036-1795
Phone: 202-429-3000
Fax: 202-429-3902